



**COUNT I**  
**(for Services Rendered)**

4. The Plaintiff reavers, realleges and incorporates herein by reference the allegations contained in Paragraphs 1 through 3 above with the same full force and effect as if expressly set forth herein.
5. The Defendant owes the Plaintiff the total sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61) for services rendered by the Plaintiff to the Defendant together with interest thereon from November 10, 2004, on or before which date demand for payment was duly made, plus costs.

**COUNT II**  
**(for Unjust Enrichment)**

6. The Plaintiff reavers, realleges and incorporates herein by reference the allegations contained in paragraphs 1 through 5 above.
7. The Plaintiff provided telephone services to the Defendant for an agreed upon price, and the Defendant has failed, refused, neglected and continues to refuse to make payment to the Plaintiff in consideration for the services provided by Plaintiff to the Defendant.
8. As a result of the foregoing, the Defendant has been unjustly enriched in the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61), which sum the Plaintiff is entitled to recover.
9. As a result of this unjust enrichment, the Defendant owes the Plaintiff the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61).

**COUNT III**  
**(Account Annexed)**

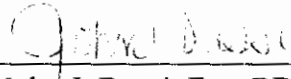
10. The Plaintiff reavers, realleges and incorporates herein by reference the allegations contained in paragraphs 1 through 9 above with the same full force and effect as if expressly set forth herein.
11. The Defendant owes to the Plaintiff the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61), plus interest from November 10, 2004, on or before which date demand for payment was duly made, and costs pursuant to the account annexed hereto as Exhibit "A" and incorporated herein by reference.

**WHEREFORE**, the Plaintiff, CTC Communications, prays that Judgment enter as follows:

1. Enter judgment against the Defendant, Brockington Securities, Inc., and in favor of the Plaintiff, in the sum of Twelve Thousand One Hundred Thirty Four and 61/100 Dollars (\$12,134.61), together with interest from November 10, 2004 on or before which date demand for payment was duly made;
2. Award the Plaintiff, CTC Communications, its costs and disbursements for prosecuting this action, in connection with the Defendant, Brockington Securities, Inc.; and
3. Grant the Plaintiff, CTC Communications, such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,  
CTC Communications Corp.,  
By its attorneys,  
Cohn & Dussi, LLC,

Date: 6/15/05

  
John J. Dussi, Esq. BBO# 546355  
COHN & DUSSI, LLC  
25 Burlington Mall Road, 6<sup>th</sup> Floor  
Burlington, MA 01803  
(781) 494-0200

# **EXHIBIT “A”**

Acct #

**1089006****Brockington Securities Inc.**490 Wheeler road  
Hauppauge NY 11788billing address if  
different:

Contacts: Robert DelVecchio 631 234 0303

Services: Local ON &amp; OFF NET

Amt Due: **\$12,134.61****SOA**

Period	Description	Billing	Payments	Adjustments	Balance Fwd
Oct-98	OCT BILLING SUMMARY	833.96	0.00	0.00	833.96
Nov-98	NOV BILLING SUMMARY	1,110.24	833.96	0.00	1,110.24
Dec-98	DEC BILLING SUMMARY	1,177.70	1,110.24	0.00	1,177.70
Jan-99	JAN BILLING SUMMARY	941.17	1,177.70	0.00	941.17
Feb-99	FEB BILLING SUMMARY	813.95	1,755.12	0.00	0.00
Mar-99	MAR BILLING SUMMARY	1,393.30	0.00	0.00	1,393.30
Apr-99	APR BILLING SUMMARY	1,888.85	1,393.30	19.13	1,869.72
May-99	MAY BILLING SUMMARY	1,394.92	3,282.15	0.00	-17.51
Jun-99	JUN BILLING SUMMARY	1,678.38	1,678.38	0.00	-17.51
Jul-99	JUL BILLING SUMMARY	1,480.56	1,463.05	0.00	0.00
Aug-99	AUG BILLING SUMMARY	1,662.94	0.00	0.00	1,662.94
Sep-99	SEP BILLING SUMMARY	1,125.17	1,662.94	0.00	1,125.17
Oct-99	OCT BILLING SUMMARY	859.02	1,125.17	0.00	859.02
Nov-99	NOV BILLING SUMMARY	851.20	859.02	0.00	851.20
Dec-99	DEC BILLING SUMMARY	874.33	851.20	0.00	874.33
Jan-00	JAN BILLING SUMMARY	856.39	1,730.72	0.00	0.00
Feb-00	FEB BILLING SUMMARY	573.56	573.56	0.00	0.00
Mar-00	MAR BILLING SUMMARY	-340.60	0.00	0.00	-340.60
Apr-00	APR BILLING SUMMARY	1,632.56	0.00	0.00	1,291.96
May-00	MAY BILLING SUMMARY	745.66	1,291.96	4.59	741.07
Jun-00	JUN BILLING SUMMARY	466.83	745.66	28.54	433.70
Jul-00	JUL BILLING SUMMARY	3,267.03	1,733.86	0.00	1,966.87
Aug-00	AUG BILLING SUMMARY	1,255.98	0.00	0.00	3,222.85
Sep-00	SEP BILLING SUMMARY	1,116.11	2,000.00	0.00	2,338.96
Oct-00	OCT BILLING SUMMARY	990.88	1,116.11	0.00	2,213.73
Nov-00	NOV BILLING SUMMARY	2,496.54	990.88	438.67	3,280.72
Dec-00	DEC BILLING SUMMARY	1,805.81	2,762.60	0.00	2,323.93
Jan-01	JAN BILLING SUMMARY	1,597.03	0.00	0.00	3,920.96
Feb-01	FEB BILLING SUMMARY	1,491.46	0.00	0.00	5,412.42
Mar-01	MAR BILLING SUMMARY	1,809.13	4,291.46	0.00	2,930.09
Apr-01	APR BILLING SUMMARY	1,635.40	1,551.09	0.00	3,014.40
May-01	MAY BILLING SUMMARY	1,674.03	2,500.00	0.00	2,188.43
Jun-01	JUN BILLING SUMMARY	1,852.21	0.00	11.05	4,029.59
Jul-01	JUL BILLING SUMMARY	1,823.31	3,000.00	0.00	2,852.90
Aug-01	AUG BILLING SUMMARY	1,933.63	4,878.31	0.00	-91.78



Sep-01	SEP BILLING SUMMARY	1,734.53	2	1.58	0.00	-754.83
Oct-01	OCT BILLING SUMMARY	1,851.56		0.00	6.30	1,090.43
Nov-01	NOV BILLING SUMMARY	1,849.17	1,090.43		0.00	1,849.17
Dec-01	DEC BILLING SUMMARY	2,031.85	1,900.00		0.00	1,981.02
Jan-02	JAN BILLING SUMMARY	2,025.51	0.00		0.00	4,006.53
Feb-02	FEB BILLING SUMMARY	1,796.56	2,999.58		0.00	2,803.51
Mar-02	MAR BILLING SUMMARY	1,759.62	0.00		2.79	4,560.34
Apr-02	APR BILLING SUMMARY	1,694.77	2,557.36		0.00	3,697.75
May-02	MAY BILLING SUMMARY	1,767.54	1,000.00		0.00	4,465.29
Jun-02	JUN BILLING SUMMARY	1,681.46	2,400.00		0.00	3,746.75
Jul-02	JUL BILLING SUMMARY	1,677.60	0.00		503.33	4,921.02
Aug-02	AUG BILLING SUMMARY	1,540.01	0.00		504.56	5,956.47
Sep-02	SEP BILLING SUMMARY	1,773.06	1,500.00		0.00	6,229.53
Oct-02	OCT BILLING SUMMARY	1,662.40	0.00		0.00	7,891.93
Nov-02	NOV BILLING SUMMARY	1,565.34	0.00		0.00	9,457.27
Dec-02	DEC BILLING SUMMARY	1,583.90	0.00		474.80	10,566.37
Jan-03	JAN BILLING SUMMARY	579.17	0.00		502.16	10,643.38
Feb-03	FEB BILLING SUMMARY	217.12	0.00		108.26	10,752.24
Mar-03	MAR BILLING SUMMARY	670.83	0.00		0.51	11,422.56
Apr-03	APR BILLING SUMMARY	131.68	0.00		0.00	11,554.24
May-03	MAY BILLING SUMMARY	134.39	0.00		0.00	11,688.63
Jun-03	JUN BILLING SUMMARY	142.78	0.00		0.00	11,831.41
Jul-03	JUL BILLING SUMMARY	144.59	0.00		0.00	11,976.00
Aug-03	AUG BILLING SUMMARY	146.52	0.00		0.00	12,122.52
Sep-03	SEP BILLING SUMMARY	1.24	0.00		0.00	12,123.76
Oct-03	OCT BILLING SUMMARY	0.00	0.00		0.00	12,123.76
Nov-03	NOV BILLING SUMMARY	0.00	0.00		0.00	12,123.76
Dec-03	DEC BILLING SUMMARY	0.00	0.00		0.00	12,123.76
Jan-04	JAN BILLING SUMMARY	0.00	0.00		0.00	12,123.76
Feb-04	FEB BILLING SUMMARY	0.00	0.00		0.00	12,123.76
Mar-04	MAR BILLING SUMMARY	0.00	0.00		0.00	12,123.76
Apr-04	APR BILLING SUMMARY	0.00	0.00		0.00	12,123.76
May-04	MAY BILLING SUMMARY	5.85	0.00		0.00	12,129.61
Jun-04	JUN BILLING SUMMARY	5.00	0.00		0.00	12,134.61

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

ETC Communications Corp

(b) County of Residence of First Listed Plaintiff  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

John J. Deane, Jr. 35 Brookington Mall Rd. 4th Fl  
Cohasset, MA 01939  
(508) 474-0400

## DEFENDANTS

Brookington Properties, Inc

County of Residence of First Listed Defendant  
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State PTF ☐ 1 DEF ☐ 1  
Incorporated or Principal Place of Business In This State PTF ☐ 4 DEF ☐ 4  
Citizen of Another State PTF ☐ 2 DEF ☐ 2  
Incorporated and Principal Place of Business in Another State PTF ☐ 5 DEF ☐ 5  
Citizen or Subject of a Foreign Country PTF ☐ 3 DEF ☐ 3 Foreign Nation PTF ☐ 6 DEF ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 165 Other Contract <input type="checkbox"/> 175 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: Money loan to telephone service ordered, inj. or removal  
and account annexed plus interest and costs

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

12,139.61

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

6/15/05

John J. Deane, Jr.

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_